

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1735-AIR-E TCEQ ID: RN105195317 CASE NO.: 34853**  
**RESPONDENT NAME: US Petroleum Depot, Inc.**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> US Petroleum Depot, Inc., 11700 Old Highway 48, Brownsville, Cameron County</p> <p><b>TYPE OF OPERATION:</b> Petroleum products bulk tank terminal</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> Complaints were received on February 15 and February 27, 2007, alleging that the Respondent was storing crude condensate with vapor pressure in excess of 5.0 pounds per square inch with no vapor control systems and pans to load the product to barges and/or trucks. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> Complaints were received, but the complainants have not expressed a desire protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Sidney Wheeler, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-4969; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Christopher McCauley, Director, US Petroleum Depot, Inc., 14255 US Highway 1, Suite 209, Juno Beach, Florida 33408 Mr. Josh Creslenzi, Vice President of Operations, US Petroleum Depot, Inc., 14255 US Highway 1, Suite 209, Juno Beach, Florida 33408 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1735-AIR-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<b>Type of Investigation:</b> <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review  <b>Date(s) of Complaints Relating to this Case:</b> February 15 and 27, 2007  <b>Date of Investigation Relating to this Case:</b> March 6, 2007  <b>Date of NOV/NOE Relating to this Case:</b> October 10, 2007 (NOE)  <b>Background Facts:</b> This was a complaint investigation.  <b>AIR</b>  Failed to obtain a permit or meet the conditions of a Permit by Rule. Specifically, the Respondent constructed and operated four storage tanks without permit authorization [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].	<b>Total Assessed:</b> \$2,850  <b>Total Deferred:</b> \$570 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay  <b>SEP Conditional Offset:</b> \$0  <b>Total Paid to General Revenue:</b> \$2,280  <b>Site Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Person Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor  <b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <b>Applicable Penalty Policy:</b> September 2002	<b>Corrective Actions Taken:</b>  The Executive Director recognizes that on October 26, 2007, the Respondent submitted a New Source Review Permit by Rule Registration Number 82549 to register the facilities at the Terminal and that the NSR Permit by Rule was authorized on November 6, 2007.

Additional ID No(s): NSR Permit 82549



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

<b>DATES</b>	<b>Assigned</b>	15-Oct-2007	<b>Screening</b>	22-Oct-2007	<b>EPA Due</b>	
	<b>PCW</b>	8-Nov-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	US Petroleum Depot, Inc.
<b>Reg. Ent. Ref. No.</b>	RN105195317
<b>Facility/Site Region</b>	15-Harlingen
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34853	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1735-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Sidney Wheeler
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$3,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **5% Enhancement** **Subtotals 2, 3, & 7** **\$150**

**Notes** Penalty enhancement due to one Notice of Violation for similar violations.

**Culpability** **No** **0% Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **10% Reduction** **Subtotal 5** **\$300**

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

**Notes** The Respondent has been issued a permit by rule with an authorization date of November 6, 2007.

**0% Enhancement\***

**Subtotal 6** **\$0**

Total EB Amounts	\$15
Approx. Cost of Compliance	\$450

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,850**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$2,850**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,850**

**DEFERRAL** **20% Reduction** **Adjustment** **-\$570**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$2,280**

Screening Date 22-Oct-2007

Docket No. 2007-1735-AIR-E

PCW

Respondent US Petroleum Depot, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34853

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN105195317

Media [Statute] Air

Enf. Coordinator Sidney Wheeler

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to one Notice of Violation for similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

<b>Screening Date</b> 22-Oct-2007		<b>Docket No.</b> 2007-1735-AIR-E		<b>PCW</b>	
<b>Respondent</b> US Petroleum Depot, Inc.		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 34853		<small>PCW Revision September 19, 2007</small>			
<b>Reg. Ent. Reference No.</b> RN105195317					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Sidney Wheeler					
<b>Violation Number</b>		<div style="border: 1px solid black; text-align: center;">1</div>			
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 116.110(a) and Tex. Health &amp; Safety Code §§ 382.0518(a) and 382.085(b)</div>			
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 2px;">Failed to obtain a permit or meet the conditions of a Permit by Rule. Specifically, the Respondent constructed and operated four storage tanks without permit authorization.</div>			
<b>Base Penalty</b>					<div style="border: 1px solid black; text-align: right;">\$10,000</div>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; text-align: right;">0%</div>
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; text-align: right;">10%</div>
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 2px;">100% of the rule requirement was not met.</div>				
<b>Adjustment</b>					<div style="border: 1px solid black; text-align: right;">\$9,000</div>
					<div style="border: 1px solid black; text-align: right;">\$1,000</div>
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<div style="border: 1px solid black; text-align: center;">3</div>	<div style="border: 1px solid black; text-align: center;">230</div> <b>Number of violation days</b>		
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<b>Violation Base Penalty</b> <div style="border: 1px solid black; text-align: right;">\$3,000</div>		
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	quarterly	x			
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
Three quarterly events are recommended from the date of the first investigation, March 6, 2007, to the date of screening, October 22, 2007.					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; text-align: right;">\$15</div>	<b>Violation Final Penalty Total</b>		<div style="border: 1px solid black; text-align: right;">\$2,850</div>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<div style="border: 1px solid black; text-align: right;">\$2,850</div>

**Economic Benefit Worksheet****Respondent** US Petroleum Depot, Inc.**Case ID No.** 34853**Reg. Ent. Reference No.** RN105195317**Media Air****Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$450	6-Mar-2007	6-Nov-2007	0.7	\$15	n/a	\$15
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Costs required for obtaining a New Source Review Permit by Rule. The date required is the date of the first investigation. The final date is the date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$450

**TOTAL**

\$15

# Compliance History

Customer/Respondent/Owner-Operator:	CN603171638	US Petroleum Depot, Inc.	Classification: AVERAGE	Rating: 2.50
Regulated Entity:	RN105195317	US PETROLEUM DEPOT INC	Classification: AVERAGE	Site Rating: 2.50
ID Number(s):	AIR NEW SOURCE PERMITS		REGISTRATION	82549
Location:	11700 OLD HIGHWAY 48, BROWNSVILLE, TX, 78521		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 15 - HARLINGEN			
Date Compliance History Prepared:	October 19, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 19, 2002 to October 19, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Sidney Wheeler	Phone:	(210) 403-4078	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 07/09/2007 (566949)
  - 2 10/10/2007 (597136)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - S Date: 04/09/2007 (542897)
 

Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)		
Description:	Failure to obtain permission and/or authorization to construct and operate a regulated facility from the TCEQ.		
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A

Sites Outside of Texas

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
US PETROLEUM DEPOT, INC.  
RN105195317**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1735-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding US Petroleum Depot, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum products bulk tank terminal at 11700 Old Highway 48 in Brownsville, Cameron County, Texas (the "Terminal").
2. The Terminal consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 15, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Eight Hundred Fifty Dollars (\$2,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred Eighty Dollars (\$2,280) of the administrative penalty and Five Hundred Seventy Dollars (\$570) is deferred contingent



upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on October 26, 2007, the Respondent submitted a New Source Review ("NSR") Permit by Rule Registration Number 82549 to register the facilities at the Terminal and that the NSR Permit by Rule was authorized on November 6, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Terminal, the Respondent failed to obtain a permit or meet the conditions of a Permit by Rule, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during a record review conducted on March 6, 2007. Specifically, the Respondent constructed and operated four storage tanks without permit authorization.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

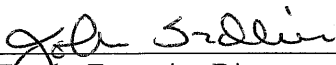
1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: US Petroleum Depot, Inc., Docket No. 2007-1735-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Terminal operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

3/26/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

1-23-2008  
Date

Josh Crescenzi  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
US Petroleum Depot, Inc.

Vice President of OPERATIONS  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

